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KYOCERA WIRELESS CORP.

P.O. BOX 928289

SAN DIEGO, CA 92192-8289

EXAMINER

SHEDRICK, CHARLES TERRELL

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,861	Applicant(s) KAPLAN, DIEGO	
	Examiner CHARLES SHEDRICK	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/08 has been entered.

Response to Arguments

2. Applicant's arguments filed 3/17/08 have been fully considered but they are not persuasive.

3. Rejections of Claims 1-5

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, **The Primary reference Shanahan** teaches i.e., downloading data. For instance in paragraph 004 Shanahan notes that “*Computer 90 may also coordinate information downloading with respect to the memory capacity of device 20. For example, if the user-selected information exceeds the available memory of device 20, computer 90 may inform the user, via link 33, that the selected information is larger than the available memory*”.

As a secondary reference **Kamada** teaches an external storage solution in addition to storing information on a portable device by using an external storage device. Kamada teaches the external storage in a manner of improvement in addition to the internal memory of a portable device. For instance as outlined in the background of Kamada his motivation for improvement is so that applications and computer programs that are downloaded to a device such as those of Shanahan are not lost in the event that a device with limited capacity decides to download more programs. According to Shanahan programs and content can be uploaded and downloaded to a dedicated storage service as if it was part of the user's own portable device.

***[Kamada Paragraph 0081]** "Note that a dedicated storage area in the storage server may be used by the user freely and, therefore, may be used not only as an area to store applications purchased from a sales server and its data but also as an area to store any data. That is, a dedicated storage area may be used as if it was a part of user's own portable data terminal".*
...as cited by the examiner in the previous action.

Rooke is concerned with alleviating problems stemmed from different terminals having limited storage capacity and their ability to receive messages or lack thereof on the basis of dynamic memory allocation (e.g., see **Rooke col. 1 lines 36-40**). Hence the advantage of the enhancements by Rooke is that the handling of content is based on the capabilities of the recipient terminal and **the user profile** of the corresponding terminal (e.g., see **Rook ecol. 2 lines 44-48**).

Paakkoken is concerned with Multimedia messaging (voice, video, and data transfer capabilities) and a method of integrating the transfer of such content on a mobile device (e.g., see

Paakkonen at least paragraph 0007). Therefore, based on at least the examples above motivation has been adequately provided and the rejection is proper.

5. Applicant further argues that even if there was a motivation to combine the references, combining the references will be moot in light of the amendment to the claims. For example the present claim 1 includes "receiving from a wireless communication device a wireless data connection message at a tool kit server having access to a data storage area, the tool kit server having a network toolkit including programs configured to execute on the tool kit server, the network toolkit comprising multiple discrete computer programs that provide a single interface for access to the multiple discrete programs, the network toolkit configured to serve a plurality of wireless communication devices at any given time" and "providing a menu of available connectivity toolkit utilities in response to a request from the wireless communication device, if the account status is current, wherein the menu is displayed on the wireless communication device, the request comprising a unique file identifier provided to the wireless communication device by the toolkit server in the context of a directory listing." The Office Action cites Shanahan as the only reference teaching these limitations. Thus if Shanahan fails to describe these limitations, combining Shanahan with the other references including Paakonon, Kamada, and Rooke will fail to cure the defect of Shanahan.

However, The Examiner respectfully disagree. Shanahan teaches receiving from a wireless communication device a wireless data connection message at a tool kit server having access to a data storage area, the tool kit server having a network toolkit including programs configured to execute on the tool kit server, the network toolkit comprising multiple discrete computer programs that provide a single interface for access to the multiple discrete programs, the network

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toolkit configure to serve a plurality of wireless communication devices at any given time" and "providing a menu of available connectivity toolkit utilities in response to a request from the wireless communication device (**i.e., see claims 3, 12, and 21**) (**see also paragraphs 0025, 0030,0038,0039,0042,0046,0061**). Consider Shanahan claim 3 of specification where it teaches system for providing a video file to a wireless telephone, the system comprising: a remote computer with access to a database of video files suitable for downloading to the wireless telephone wherein the remote computer is configured to: **provide a list of video files** in the database to a user of the wireless telephone **when the user requests the list of video files;** allow the user of the wireless telephone to browse the list of video files; allow the user of the wireless telephone to select a desired video file from the list of video files; and allow the user of the wireless telephone to optionally download a selected video file into the wireless telephone for use as desired by the user of the wireless telephone; wherein the system is configured to confirm the selected video file has been properly received by the wireless telephone.

Shanahan further teaches in paragraph 0025 that in operation, a user may choose certain information, such as Internet **configuration information**, an audio sample of a popular song, a video clip or frame, etc., that is available from source 50 and transfer it to programmer 30.

Programmer 30 may then process this information into a suitable format (or may simply route the information if no format conversion is required), and program it into a programmable memory within device 20 (not shown). Paragraph 0026 further defines that various formats of information that can be downloaded and optionally converted. As noted Programmer 30 may also coordinate or perform certain functions related to the routing and storing of information

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within device 20. For example, programmer 30 may communicate with (or simply search) device 20 to find available memory locations in which to store the user-defined information. Programmer 30 may also communicate with device 20 to determine which format the incoming information should be converted to so that the information is compatible with the downloading requirements of device 20. For audio files, this may include, but is not limited to, converting to or from any of the following format types: analog; MIDI; MPEG; PCM; Windows Media Audio Code (WMA); WAV; or Adaptive Transform Acoustic Coding (ATRAC), or to or from any other suitable audio format, etc. For video files, this may include, but is not limited to, converting to or from any of the following format types: analog; JPEG; MPEG; GIF; AVI, or to or from any other suitable video format, etc. Text files may include, for example, HTML files, Wireless Markup Language (WML) files, WordPerfect.TM. files, Microsoft Office.TM. files, or any other suitable text files.

6. Account Status

Paakkonen teaches that account status is well known in the art (**see paragraph 0028**).

In one embodiment, upon receipt of a ringing image call set-up message 102, MSC 106 uses the originating mobile station address contained therein to retrieve a subscriber data record (144, 154) corresponding to that address from a subscription record node, which may be, e.g., either a home location register (HLR) 142 or a visitor location register (VLR) 152 shown in FIG. 1. **As is well known in the art**, the HLR is the main data base of **permanent subscriber information for a mobile network holding pertinent user information, including** address, **account status**, preferences, subscriptions, etc. Similarly, the VLR maintains temporary user information to manage call requests from subscribers who are out of the coverage area covered

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by their home system. If the originating mobile station 100 subscribes to the ringing image feature, the subscriber record (144, 154) will preferably contain a flag (146, 156) indicating the subscription. Upon receipt of such a subscriber record from either data base, MSC 106 will establish a call to the terminating mobile station 130 and will also create a ringing image request message 107 for transmission to a multimedia messaging service center (MMSC) 110.

7. The request comprising a unique file identifier

Shanahan teaches the request comprising a unique file identifier provided to the wireless communication device by the toolkit server in the context of a directory listing (Examiner note: it appears from a careful Examination of the specification that this limitation is actually the other way around where the device provides a unique identifier to the server and therefore shall be interpreted accordingly). In paragraph 0025 Shanahan teaches that a user may choose information and select information and therefore in order to distinguish one file from another the file must be uniquely identifiable (see at least paragraph 0025 and claim 3).

8. Independent Claims 7,23, and 24

Are rejected for the same reasons set forth with respect to claim 1.

9. Dependent Claims 2-6,8-13, and 21-22

Are rejected as being dependent upon rejected claims and are therefore rejected for the same reasons set forth with respect to claim 1,7,23.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1 and further in view of Rooke et al. US Patent No.: 6,678,361 B2 and further in view of Paakkonen US Patent No.: 2004/0121818 A1.

Consider **claim 1**, Shanahan teaches a providing a connectivity toolkit to a wireless communication device coupled with a connectivity toolkit server via a wireless communication network (i.e., **paragraph 0008**), the method comprising: receiving from a wireless communication device **31, 32** a wireless data connection message at a toolkit server having access to a data storage area (i.e., **see paragraph 0023 figures**)(e.g., **also not files types and formats mention in the response to arguments above**); the tool kit server having a network toolkit including programs configured to execute on the tool kit server, the network toolkit comprising multiple discrete computer programs that provide a single interface for access to the multiple discrete programs, the network toolkit configure to serve a plurality of wireless communication devices at any given time(**see remarks in response to arguments above**);and providing a menu of available connectivity toolkit utilities in response to a request from the

wireless communication device , wherein the menu is displayed on the wireless communication device (i.e., a list of files are provided for browsing etc.) **(i.e., see claims 1, 12, and 21) (see also paragraphs 0025, 0030,0038,0039,0042,0046,0061)**; the request comprising a unique identifier provided by the wireless device to the toolkit server in the context of a directory list **(see response 7. above in response to arguments)**

However, Shanahan does not specifically teach authenticating a user associated with the wireless communication device; obtaining profile information for the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device and identification information for a portion of a server hosted data storage area associated with the wireless communication device

In the same field of endeavor, Kamada teaches authenticating a user associated with the wireless communication device **(i.e., see figure 9 and paragraph 0085)**; obtaining profile information for the wireless communication device, the profile information comprising identification information for a portion of a server hosted data storage area associated with the wireless communication device (i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada (i.e., see at least paragraphs 0083 and 0085).

However, Kamada as modified by Shanahan does not specifically teach obtaining profile information from the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device.

In analogous art, Rooke teaches obtaining profile information from the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device (e.g., see col. 1 lines 37-42, col. 2 lines 8-12, 22-23, col. 3 lines 38-41, col. 4 lines 43-48, see also claims)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada to include obtaining profile information for the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device for the purpose of reducing failures as taught by Rooke.

However, Kamada as modified by Shanahan and further modified by Rooke does not specifically teach Account status.

In analogous art, Paakkonen teaches that account status is well known in the art (see paragraph 0028).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kamada as modified by Shanahan and further modified by Rooke to include account status for the purpose of establishing subscription or registration information as taught by Paakkonen.

(see **also motivation explained further in response to arguments section**)

Consider **claim 2 and as applied to the method of claim 1**, Shanahan as modified by Kamada and further modified by Rooke and further modified by Paakkonen teaches the claimed invention further comprising: receiving a request for a directory listing; obtaining a list of files associated with the requesting user; and providing the list of files, wherein the list of files is displayed on the wireless communication device (**claims 1, 12, and 21**) (**also see paragraphs 0025, 0030,0038,0039,0042,0046,0061**).

Consider **claims 3 and as applied to the method of claim 2**, Shanahan as modified by Kamada and further modified by Rooke and further modified by Paakkonen teaches the claimed invention querying a file system on the connectivity toolkit server to determine a list of user files; and identifying a user file associated with the requesting user (**paragraph 0053**).

Consider **claims 4 and 5 and as applied to the method of claim 1**, Shanahan as modified by Kamada and further modified by Rooke and further modified by Paakkonen teaches receiving a request to download a file (**i.e., see claim 1**), the request comprising a file identifier (**i.e., the file identification is inherent in choosing the correct file**); obtaining the file size of the requested file(**i.e., in order to know the file size the file size is inherently obtained**); comparing the file size to a predetermined threshold file size value(**i.e., in order to determine if the file is too big or too small the file size is inherently compared to a threshold**); and denying the request to download the file when the file size exceeds the predetermined threshold file size value (**i.e., the user may be prompted to modify or cancel the information request, in any case the download is inherently denied as request until modified**); and providing the requested file via the wireless network(**i.e., see paragraph 0040**).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1 and further in view of Rooke et al. US Patent No.: 6,678,361 B2 and further in view of Paakkonen US Patent No.: 2004/0121818 A1 and further in view of Pedersen US Patent Pub. No. 2006/0154649.

Consider **claims 6 and as applied to the method of claim 1**, Shanahan as modified by Kamada and further modified by Rooke and further modified by Paakkonen teaches the claimed invention further comprising: receiving a request to download an identified file (**i.e., see claim 1**), the request comprising a filename and a file size (**i.e., in order to know the file size the file size is inherently obtained**); comparing the file size to a predetermined threshold file size value (**i.e., in order to determine if the file is too big or too small the file size is inherently compared to a threshold**); approving the request to download the file when the file size is smaller than the predetermined threshold file size value (**i.e., the user may be prompted to modify or cancel the information request, in any case the upload is inherently denied as request until modified**); and receiving the identified file via a wireless communication network(**i.e., furthermore it is clear to one of ordinary skill in the art that an upload is simply the reversal of download and is simply a matter of duplicating operations at the reverse end of a transmission (i.e., claim 29).**

However, Shanahan as modified by Kamada and further modified by Rooke and further modified by Paakkonen do not explicitly teach uploading.

In analogous art, Pederson explicitly teaches uploading (see at least paragraph 0032).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada and further modified by Rooke

and further modified by Paakkonen to include uploading for the purpose of transferring data as taught by Pedersen.

Claims **7-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1** and further modified by **Pedersen US Patent Pub. No. 2006/0154649**.

Consider **claim 7**, Shanahan teaches a wireless connectivity toolkit system, comprising: a wireless connectivity toolkit server communicatively coupled with a wireless communication network (i.e., see at least figure 1 and paragraphs 0021-0025); the wireless connectivity toolkit server having a data storage area and a plurality of utility programs (i.e., see at least figure 1 and paragraphs 0021-0025); a wireless communication device communicatively coupled with the wireless connectivity toolkit server via the wireless communication network (i.e., see at least figure 1 and paragraphs 0021-0025), wherein the wireless communication device establishes a session with the wireless connectivity toolkit server over the wireless communication network (i.e., see also paragraphs 0025, 0030, 0038, 0039, 0042, 0046, 0061), the session allowing execution of the utility programs on the wireless connectivity server and allowing access to a portion of the data storage area for the wireless device for loading files (i.e., see also paragraphs 0025, 0030, 0038, 0039, 0042, 0046, 0061); wherein access is granted in response to a request from the wireless communication device (**e.g., see remarks in response to arguments**), the request comprising a unique file identifier provided to the wireless communication device by the toolkit server in the context of a directory listing(**e.g., see remarks in response to arguments**).

However, Shanahan does not specifically teach a reserved data storage area for the wireless communication device for uploading and downloading of files. The utility programs comprising a plurality of discrete computer programs managed by an administrator program that allows a single user interface to the plurality of discrete computer programs, the administrative computer program allowing operation of a first of the discrete computer programs which enables access and allowing operation of a second of the discrete computer programs which enables access.

In analogous art, Kamada teaches a reserved data storage area for the wireless communication device for uploading and downloading of files (i.e., see at least paragraph 0081). The utility programs comprising a plurality of discrete computer programs managed by an administrator program that allows a single user interface to the plurality of discrete computer programs, the administrative computer program allowing operation of a first of the discrete computer programs which enables access and allowing operation of a second of the discrete computer programs which enables access (i.e., the ability the upload and download executable programs)(see the problem being solved in paragraph 0003).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device for uploading and downloading of files and the utility programs comprising a plurality of discrete computer programs managed by an administrator program that allows a single user interface to the plurality of discrete computer programs, the administrative computer program allowing operation of a first of the discrete computer programs which enables access and allowing operation of a second of the discrete computer programs which enables

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access for the purpose of improving upon the limited storage capacity as taught by Kamada in paragraph 0001.

Although uploading is implied by Kamada and a person of ordinary skill in the art would recognize such activity it is not explicitly shown.

In analogous art, Pederson explicitly teaches uploading (see at least paragraph 0032). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada to include uploading for the purpose of transferring data as taught by Pedersen.

Consider **claim 8 and as applied to wireless connectivity toolkit system of claim 7**, Shanahan as modified by Kamada and further modified by Pedersen teaches wherein the plurality of utility programs comprises a file transfer program (i.e., any suitable storage device containing computer programs or files, etc. (**paragraph 0024 or 0030**))

Consider claim 9 and as applied to wireless connectivity toolkit system of claim 8, Shanahan as modified by Kamada and further modified by Pedersen teaches wherein the file transfer program facilitates the transfer of files between the wireless communication device and the wireless connectivity toolkit server (**paragraph 0030**).

Consider claim 10 and as applied to wireless connectivity toolkit system of claim 7, Shanahan as modified by Kamada and further modified by Pedersen teaches wherein the data storage area coupled with wireless connectivity server provides data storage for a plurality of wireless communication devices, the data storage accessible to the plurality of wireless communication devices via the wireless communication network (**paragraph 0024**).

Consider claim 11 and as applied to wireless connectivity toolkit system of claim 10,

Shanahan teaches the claimed invention except wherein the network based data storage is provided to a wireless communication device for a fee.

However, in the same field of endeavor, Kamada modified by Pedersen teaches wherein the network based data storage is provided to a wireless communication device for a fee (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the network based data storage is provided to a wireless communication device for a fee as taught by Kamada modified by Pedersen for the purpose of revenue generation

Consider claim 12 and as applied to wireless connectivity toolkit system of claim 11, Shanahan teaches the claimed invention except wherein the fee is based on the total amount of data storage in use by the wireless communication device.

However, in the same field of endeavor, Kamada further modified by Pedersen teaches wherein the fee is based on the total amount of data storage in use by the wireless communication device (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the fee is based on the total amount of data storage in use by the wireless communication device as taught by Kamada for the purpose of revenue generation

Consider claim 13 and as applied to wireless connectivity toolkit system of claim 11, Shanahan teaches the claimed invention except wherein the fee is based on the total amount of data storage available for use by the wireless communication device.

However, in the same field of endeavor, Kamada modified by Pedersen teaches wherein the fee is based on the total amount of data storage available for use by the wireless communication device (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the fee is based on the total amount of data storage available for use by the wireless communication device as taught by Kamada modified by Pedersen for the purpose of revenue generation.

Claim **21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1 in view of Rooke et al. US Patent No.: 6,678,361 B2 and further in view of Paakkonen US Patent No.: 2004/0121818 A1 and further in view of Landis et al. US Patent No.: 5,588,148, hereinafter, Landis.

Consider **claims 21 and as applied to the method of claim 1**, Shanahan as modified by Kamada and further modified by Rooke and further modified by Paakkonen teaches the claimed invention except wherein the profile information further comprises a communication speed of the wireless communication device.

However, in analogous art Landis teaches wherein the profile information further comprises a communication speed of the wireless communication device (**i.e., in addition to entire specification see specifically col. 3 lines 43-65, col. 4 lines 65-67**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada and further modified by Rooke and further modified by Paakkonen to include wherein the profile information further

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comprises a communication speed of the wireless communication device for the purpose of optimization as taught by Landis in at least col. 3 line 55.

Claim **22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880

A1 in view of Kamada US 2002/0123336 A1 and further in view of Rooke et al. US Patent No.:

6,678,361 B2 and further in view of Paakkonen US Patent No.: 2004/0121818 A1

and further in view of Sugiyama et al. US patent Pub. No.: 2001/0053708 A1

Consider **claim 22 and as applied to the method of claim 1**, Shanahan as modified by Kamada and further modified by Rooke and further in view of Paakkonen teaches the claimed invention except wherein the providing step further comprises compressing the menu of available connectivity toolkit utilities, wherein the menu is uncompressed by the wireless communication device prior to being displayed. uncompressed by the wireless communication device prior to being displayed.

However, Sugiyama teaches providing step further comprises compressing the menu of available connectivity toolkit utilities, wherein the menu is uncompressed by the wireless communication device prior to being displayed. uncompressed by the wireless communication device prior to being displayed (i.e., hierarchal items selection see paragraph 0008-0012 and figures).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada and further modified by Rooke and further in view of Paakkonen to include compressing the menu of available connectivity toolkit utilities, wherein the menu is uncompressed by the wireless communication device prior to being displayed. uncompressed by the wireless communication device prior to

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being displayed for the purpose of simplifying operations as taught by Sugiyanna in paragraph 0007.

Claims **23-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1** and further in view of **Lehaff et al. Pub. No.: US 2002/0123342 A1** and further in view of Paakkonen US Patent No.: 2004/0121818 A1

Consider **claims 23 and 24**, Shanahan teaches a wireless connectivity toolkit system, comprising: a wireless connectivity toolkit server having a data storage area and a plurality of utility programs (i.e., see at least figure 1 and paragraphs 0021-0025), the toolkit server communicatively coupled with a first network and a second network (i.e., see paragraph 0023 and 0034), wherein the first network is a wireless communication network and the second network is a public network (i.e., see paragraph 0023 and 0034); a wireless communication device communicatively coupled with the wireless connectivity toolkit server via the first network(i.e., see paragraph 0023 and 0034), wherein the wireless communication device establishes a session with the wireless connectivity toolkit server over the first network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), the session allowing execution of the utility programs and access to a portion of the data storage area for the wireless communication device(i.e., see also paragraphs 0025, 0030,0038,0039,0042,0046,0061); and a network enabled device communicatively coupled with the wireless connectivity toolkit server via the second network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), wherein the network enabled device establishes a session with the wireless connectivity toolkit server over the second network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), the session allowing

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access to a portion of the data storage area for the wireless communication device(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034).

However, Shanahan does not specifically teach a reserved data storage area for the wireless communication device for uploading and downloading of files. The utility programs comprising a plurality of discrete computer programs managed by an administrator program that allows a single user interface to the plurality of discrete computer programs, the administrative computer program allowing operation of a first of the discrete computer programs which enables access and allowing operation of a second of the discrete computer programs which enables access.

In analogous art, Kamada teaches a reserved data storage area for the wireless communication device (**i.e., see at least paragraph 0081**). The utility programs comprising a plurality of discrete computer programs managed by an administrator program that allows a single user interface to the plurality of discrete computer programs, the administrative computer program allowing operation of a first of the discrete computer programs which enables access and allowing operation of a second of the discrete computer programs which enables access (i.e., **the ability the upload and download executable programs**)(see the problem being solved in **paragraph 0003**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device and the utility programs comprising a plurality of discrete computer programs managed by an administrator program that allows a single user interface to the plurality of discrete computer programs, the administrative computer program allowing

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operation of a first of the discrete computer programs which enables access and allowing operation of a second of the discrete computer programs which enables access for the purpose of improving upon the limited storage capacity as taught by Kamada in paragraph 0001.

However, Shanahan in view of Kamada does not specifically point out wherein the server is communicatively coupled to a first network and a second network, wherein the first network is a wireless communication network and the second network is different from the first network and is a public network.

In analogous art, Lehaff teaches wherein the server is communicatively coupled to a first network and a second network, wherein the first network is a wireless communication network and the second network is different from the first network and is a public network (see figure 1).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan in view of Kamada to include wherein the server is communicatively coupled to a first network and a second network, wherein the first network is a wireless communication network and the second network is different from the first network and is a public network as taught by Lehaff for the purpose of providing effective access.

However, Kamada as modified by Shanahan and further modified by Lehaff does not specifically teach Account status.

In analogous art, Paakkonen teaches that account status is well known in the art (see paragraph 0028).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kamada as modified by Shanahan and further modified by

Lehaff to include account status for the purpose of establishing subscription or registration information as taught by Paakkonen

Consider **claim 25 and as applied to the method of claim 24**, Shanahan teaches the claimed invention except further comprising authenticating a user associated with the network enabled device prior to establishing the first session.

However, in analogous art Kamada as modified by Lehaff and further modified by Paakkonen teaches authenticating a user associated with the wireless communication device prior to establishing the first session (i.e., see **figure 9 and paragraph 0085**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada as modified by Lehaff and further modified by Paakkonen (i.e., see at least paragraphs 0083 and 0085).

Consider **claim 26 and as applied to the method of claim 25**, Shanahan teaches the claimed invention except further comprising obtaining profile information associated with the authenticated user, the profile information comprising identification of a discrete portion of the data storage area reserved for the authenticated user.

In analogous art, Kamada as modified by Lehaff and further modified by Paakkonen teaches the profile information comprising identification of a discrete portion of the data storage area reserved for the authenticated user (i.e., see at least paragraphs 0076 and 0077 and 0081. the

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profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device for the purpose of improving upon the limited storage capacity as taught by Kamada as modified by Lehaff and further modified by Paakkonen in paragraph 0001.

Consider **claim 27 and as applied to the method of claim 24**, Shanahan teaches the claimed invention except further comprising authenticating a user associated with the network enabled device prior to establishing the second session.

However, in analogous art Kamada as modified by Lehaff and further modified by Paakkonen teaches authenticating a user associated with the wireless communication device prior to establishing the second session (i.e., **user must authenticate each 1st 2nd, 3rd time etc. to access information dedicated to the device see figure 9 and paragraph 0085**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada as modified by Lehaff and further modified by Paakkonen (i.e., see at least paragraphs 0083 and 0085).

Consider **claim 28 and as applied to the method of claim 27**, Shanahan teaches the claimed invention except further comprising obtaining profile information associated with the

authenticated user, the profile information comprising an identification of a discrete portion of the data storage area reserved for the authenticated user.

In the same field of endeavor, Kamada as modified by Lehaff and further modified by Paakkonen teaches authenticating a user associated with the wireless communication device (i.e., **see figure 9 and paragraph 0085**); obtaining profile information for the wireless communication device, the profile information comprising identification information for a portion of a server hosted data storage area associated with the wireless communication device (i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada as modified by Lehaff and further modified by Paakkonen (i.e., see at least paragraphs 0083 and 0085).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harper Paul can be reached on (571)-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/
Examiner, Art Unit 2617
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